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1 Robert S. Coldren, Esq., Bar No. 81710
2 Mark D. Alpert, Esq., Bar No. 138152
3 Beau M. Chung, Esq., Bar No. 240451
4 malpert@hkclaw.com
5 HART, KING & COLDREN
6 A PROFESSIONAL LAW CORPORATION
7 200 Sandpointe, Fourth Floor
8 Santa Ana, California 92707
9 Telephone: (714) 432-8700
10 Facsimile: (714) 546-7457

FILED

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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

11 Attorneys for Plaintiff, SURF AND SAND, LLC

12 UNITED STATES DISTRICT COURT OF CALIFORNIA
13 NORTHERN DISTRICT OF CALIFORNIA

14 SURF AND SAND, LLC, a California
15 Limited Liability Company,

16 Plaintiff,

17 v.

18 CITY OF CAPITOLA; and DOES 1
19 through 100, inclusive,

20 Defendants.

21 Case No.: C07 05043 RS

22 Judge: Hon. Richard Seeborg
23 Dept.: Ctrm. 4

24 NOTICE OF APPEAL TO THE
25 UNITED STATES COURT OF
26 APPEAL FOR THE NINTH
27 CIRCUIT

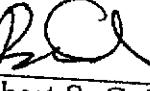
28 1st Amended Complaint
Filed: March 3, 2008
Trial Date: None Set

PLAKI, KING & COLDREN
A PROFESSIONAL LAW CORPORATION
200 SANDPOINTE, FOURTH FLOOR
SANTA ANA, CALIFORNIA 92707

1 Plaintiff Surf and Sand, LLC, a California limited liability company
2 ("Plaintiff") appeals to the United States Court of Appeal for the Ninth Circuit from
3 the Order Granting Defendant City of Capitola's Motion to Dismiss ("Order") entered
4 in this action on May 28, 2008. The Representation Statement is attached to this
5 notice as Exhibit "1" pursuant to FRAP 12(b), and Circuit Rules 3-2(b) & 12-2. A
6 copy of the Order is attached to this notice as Exhibit "2".
7

8 Dated: June 23, 2008

9 HART, KING & COLDREN

10 By: 
11 Robert S. Coldren
12 Mark D. Alpert
13 Beau M. Chung
14 Attorneys for Plaintiff
15 SURF AND SAND, LLC
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A PROFESSIONAL LAW CORPORATION
200 SANDPONTE, FOURTH FLOOR
SANTA ANA, CALIFORNIA 92707